

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; expanding the exemption from public
 4 records requirements for information which may reveal
 5 the identity of a person who is a victim of the crime
 6 of human trafficking of a minor for labor or any
 7 victim of human trafficking for commercial sexual
 8 activity; amending s. 943.0583, F.S.; providing an
 9 exemption from public records requirements for
 10 investigative information relating to criminal history
 11 records of human trafficking victims that have been
 12 ordered expunged; providing for future legislative
 13 review and repeal of the exemption; providing a
 14 statement of public necessity; providing a contingent
 15 effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:
 18

19 Section 1. Paragraph (h) of subsection (2) of section
 20 119.071, Florida Statutes, is amended to read:

21 119.071 General exemptions from inspection or copying of
 22 public records.—

23 (2) AGENCY INVESTIGATIONS.—

24 (h)1. The following criminal intelligence information or
 25 criminal investigative information is confidential and exempt
 26 from s. 119.07(1) and s. 24(a), Art. I of the State

27 Constitution:

28 a. Any information ~~that, including the photograph, name,~~
 29 ~~address, or other fact, which~~ reveals the identity of the victim
 30 of the crime of child abuse as defined by chapter 827 or which
 31 reveals the identity of a person under the age of 18 who is the
 32 victim of the crime of human trafficking proscribed in s.
 33 787.06(3)(a).

34 b. Any information which may reveal the identity of a
 35 person who is a victim of any sexual offense, including a sexual
 36 offense proscribed in s. 787.06(3)(b), (d), (f), (g), or (h),
 37 chapter 794, chapter 796, chapter 800, chapter 827, or chapter
 38 847.

39 c. A photograph, videotape, or image of any part of the
 40 body of the victim of a sexual offense prohibited under s.
 41 787.06(3)(b), (d), (f), (g), or (h), chapter 794, chapter 796,
 42 chapter 800, s. 810.145, chapter 827, or chapter 847, regardless
 43 of whether the photograph, videotape, or image identifies the
 44 victim.

45 2. Criminal investigative information and criminal
 46 intelligence information made confidential and exempt under this
 47 paragraph may be disclosed by a law enforcement agency:

48 a. In the furtherance of its official duties and
 49 responsibilities.

50 b. For print, publication, or broadcast if the law
 51 enforcement agency determines that such release would assist in
 52 locating or identifying a person that such agency believes to be

53 missing or endangered. The information provided should be
 54 limited to that needed to identify or locate the victim and not
 55 include the sexual nature of the offense committed against the
 56 person.

57 c. To another governmental agency in the furtherance of
 58 its official duties and responsibilities.

59 3. This exemption applies to such confidential and exempt
 60 criminal intelligence information or criminal investigative
 61 information held by a law enforcement agency before, on, or
 62 after the effective date of the exemption.

63 4. This paragraph is subject to the Open Government Sunset
 64 Review Act in accordance with s. 119.15, and shall stand
 65 repealed on October 2, 2019 ~~2016~~, unless reviewed and saved from
 66 repeal through reenactment by the Legislature.

67 Section 2. Subsection (11) is added to section 943.0583,
 68 Florida Statutes, to read:

69 943.0583 Human trafficking victim expunction.—

70 (11) (a) The following criminal intelligence information or
 71 criminal investigative information is confidential and exempt
 72 from s. 119.07(1) and s. 24(a), Art. I of the State
 73 Constitution:

74 1. Any information that reveals the identity of a person
 75 who is a victim of human trafficking whose criminal history
 76 record has been expunged under this section.

77 2. Any information which may reveal the identity of a
 78 person who is a victim of human trafficking whose criminal

79 history record has been ordered expunged under this section.

80 (b) Criminal investigative information and criminal
 81 intelligence information made confidential and exempt under this
 82 subsection may be disclosed by a law enforcement agency:

83 1. In the furtherance of its official duties and
 84 responsibilities.

85 2. For print, publication, or broadcast if the law
 86 enforcement agency determines that such release would assist in
 87 locating or identifying a person that such agency believes to be
 88 missing or endangered. The information provided should be
 89 limited to that needed to identify or locate the victim.

90 3. To another governmental agency in the furtherance of
 91 its official duties and responsibilities.

92 (c) This exemption applies to such confidential and exempt
 93 criminal intelligence information or criminal investigative
 94 information held by a law enforcement agency before, on, or
 95 after the effective date of the exemption.

96 (d) This subsection is subject to the Open Government
 97 Sunset Review Act in accordance with s. 119.15 and shall stand
 98 repealed on October 2, 2019, unless reviewed and saved from
 99 repeal through reenactment by the Legislature.

100 Section 3. The Legislature finds that it is a public
 101 necessity to make confidential and exempt from public records
 102 requirements certain criminal intelligence information or
 103 criminal investigative information that reveals the identity of
 104 a victim of the crime of human trafficking of a minor for labor

105 or any victim of human trafficking for commercial sexual
106 activity. The Legislature finds that it is important to
107 strengthen the protections afforded victims of human trafficking
108 for labor who are minors and victims of human trafficking for
109 commercial sexual activity, regardless of age, in order to
110 ensure their privacy and to prevent revictimization by making
111 such information confidential and exempt. The identity of these
112 victims is information of a sensitive personal nature. As such,
113 this exemption serves to minimize the trauma to victims because
114 the release of such information would compound the tragedy
115 already visited upon their lives and would be defamatory to or
116 cause unwarranted damage to the good name or reputation of the
117 victims. Protecting the release of identifying information of
118 such victims protects them from further embarrassment,
119 harassment, or injury. The Legislature also finds that it is a
120 public necessity that information in the investigative or
121 intelligence records related to a criminal history record
122 ordered expunged under s. 943.0583, Florida Statutes, which
123 would or could reasonably be expected to reveal the identity of
124 a person who is a victim of human trafficking whose criminal
125 history record has been ordered expunged under s. 943.0585,
126 Florida Statutes, that is retained by the Florida Department of
127 Law Enforcement be made confidential and exempt from s.
128 119.07(1), Florida Statutes, and s. 24(a), Article I of the
129 State Constitution. Persons who are victims of human trafficking
130 and who have been charged with crimes allegedly committed at the

PCS for HB 1021

ORIGINAL

2014

131 behest of their traffickers are themselves victims of crimes.
132 Such victims face barriers to employment and other life
133 opportunities as long as these criminal charges remain on record
134 and accessible to potential employers and others. It is
135 necessary that these records be made confidential and exempt in
136 order for human trafficking victims to have the chance to
137 rebuild their lives and reenter society.

138 Section 4. This act shall take effect on the same date
139 that HB 1017 or similar legislation relating to human
140 trafficking takes effect, if such legislation is adopted in the
141 same legislative session or an extension thereof and becomes a
142 law.

143